



# TOWN OF LAKEVILLE MEETING POSTING & AGENDA

Town Clerk's Time Stamp  
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LAKEVILLE TOWN CLERK  
RCUD 2022 FEB 22 PM2:37

*[Signature]*  
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Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009). Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	Planning Board
Date & Time of Meeting:	Thursday, February 24, 2022 at 7:00 p.m.
Location of Meeting:	Lakeville Police Station 323 Bedford Street, Lakeville, MA 02347
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: \_\_\_\_\_ (circle one)

Clerk/Board Member Cancelling/Postponing: \_\_\_\_\_

## A G E N D A

1. Site Plan Review – 310 Kenneth W. Welch Drive
2. Adoption or amendments to the Zoning Bylaw
  - a. Sign By-law - update
  - b. Site Plan Review including Design Standards – update
  - c. Filling Station-corrections from 2018 Town Meeting - update
  - d. Open Space Residential Development (OSRD) – update
  - e. Breweries/Brew Pubs
3. Master Plan Implementation - Fee Review Project-update
4. Review the following Zoning Board of Appeals petition:
  - a. Maksy – 2 Morrison Way
5. Approve Meeting Minutes for January 27, 2022.
6. Old Business
7. New Business
8. Next meeting. . . March 10, 2022
9. Any other business that may properly come before the Planning Board.
10. Adjourn

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Planning Board arise after the posting of this agenda, they may be addressed at this meeting

Lakeville Sign Bylaw

Possible sign changes 2022 – *Changes in Italics*

**ADD TO: Section 2.0 Definitions**

**Awnings:** — *An awning with lettering or logo advertising the name of the business shall constitute a sign. All such awnings over doorways and windows shall only count as one sign.*

**Changeable Copy Signs:** *Signs with letters which can be manually or mechanically moved in order to change the message or wording of the sign*

**Directional Signs:** *Shall be solely for pedestrian or vehicular traffic. Directional signs shall indicate parking entrances, exits, drive-thru's, etc. They shall not include any other information, advertising, or logos.*

**Electronic Message Boards:** *Electronically controlled signs which can change messages without the physical movement of the letters.*

**Electronic Outdoor Advertising:** *A use whereby an outdoor sign or billboard, whether double-faced, back-to-back, or V-shaped, with a screen(s) that serves to advertise, direct or call attention to any business, article, substance, or service, or anything that is digitally or electronically projected, on or by a structure of any kind on real property or upon the ground itself, and that advertises services, products or commodities that are not available on said real property or parcel.*

**Freestanding Sign:** *Any sign supported by a structure permanently anchored to the ground which is independent from any building.*

**Portable Signs:** *A sign or advertising display that is not permanent, affixed to a building, structure or the ground.*

**Public Events:** *An entertainment event open to the general public such as outdoor concerts, winter carnivals, parades, etc.*

**Shopping/Business Center Signs:** *Where more than one business is located in a building only one freestanding sign may be erected, which shall serve all of the businesses at that location.*

**Wall Sign:** *A sign attached parallel to or painted on the wall of a building.*

**Window sign:** *A permanent or temporary sign applied to, attached to, or inside a window or door which is visible from the exterior.*

## 6.6 SIGN REGULATIONS

### 6.6.1 Purpose

To provide information to the public and for the identification of permitted activities from public ways, the erection and maintenance of signs shall be subject to regulation in order to preserve and enhance the visual appearance and character of the Town, to provide for the safety and general welfare of the public, and to prevent injurious and detrimental effects from the distracting demands for attention resulting from uncontrolled shapes, sizes, colors, motions, lighting, and inappropriate locations.

### ***ADD NEW SECTION: 6.6.2 Permit Required***

*ADD 6.6.2.1 No sign shall be erected, altered, or relocated without a permit issued by the Building Commissioner, except as otherwise provided herein.*

*ADD 6.6.2.2 The applicant proposing to erect, alter or relocate a sign shall submit to the Building Commissioner a completed sign permit application, together with the required application fee and sketches of all proposed signs. The drawings shall specify the building and sign dimensions, colors, attachment methods, location of the signs, method of illumination and any other pertinent information which may be required*

*ADD 6.6.2.3 Sign permit fees shall be determined by the Selectboard.*

### 6.6.3 General Sign Regulations

6.6.3.1 No sign shall be located closer than ten (10) feet from the street right-of-way, and no closer than thirty (30) feet from the side or rear property lines.

6.6.3.2 Signs shall be limited to a maximum height of twenty (20) feet as measured from the crown of the road directly perpendicular to the sign.

6.6.3.3 Signs shall be limited in number to two (2) signs for each business or industrial establishment or company.

Business or industrial sites containing more than one establishment (mill outlets, shopping centers, industrial parks, etc.) shall be limited to two (2) signs per establishment, one of which shall be attached to the structure to designate the establishment within the structure, and the other attached to or part of a central common directory sign. Business and Industrial subdivisions may have one (1) entrance sign, not being a directory sign, in addition to the above. Signs for this common directory sign and for the business and industrial subdivision entrance sign may be double-sided and a maximum of sixty-four (64) square feet in area.

6.6.3.4 Unless permitted elsewhere in this By-Law, no sign may exceed thirty-two (32) square feet in area.

6.6.3.5 Signs erected upon or attached to a building shall not project:

6.6.3.5.1 horizontally more than two (2) feet;

6.6.3.5.2 into or over any way;

6.6.3.5.3 above the highest part of the building, not exceeding twenty (20) feet from ground level.

6.6.3.6 No free-standing sign shall project more than two (2) feet horizontally from its means of support.

6.6.3.7 The colors red, green or yellow shall not be used in a manner that might confuse the meaning or stop signs, stop lights or other traffic signs.

*ADD 6.6.3.8 Freestanding signs shall have landscaping at the base*

*ADD 6.6.3.9 All Signs must be maintained, this includes awning material, lettering, lighting, and landscaping.*

*ADD 6.6.3.10 Free Standing signs are permitted to have either a changeable copy sign or an electronic Message Board as part of its sign but not both.*

*ADD 6.6.3.11 Changeable copy signs or the portion of a sign that is changeable copy shall not exceed 12 square feet. They may be internally illuminated but shall be turned off during the overnight hours from 11:00 pm until 6:00 am unless for a facility providing medical care with hours of operation outside of these hours. In this case, the applicant can apply for a special permit from the Zoning Board of Appeals.*

*ADD 6.6.3.12 Electronic message boards or the electronic message board portion of a sign shall not exceed 12 Square feet. Images which refresh must be displayed for at least 20 seconds and may refresh or change, no more than 3 times in 1 minute.*

*They shall be turned off during the overnight hours from 11:00 pm until 6:00 am unless for a facility providing medical care with hours of operation outside of these hours. In this case, the applicant can apply for a special permit from the Zoning Board of Appeals.*

*ADD 6.6.3.13 Internally illuminated signs or the internally illuminated portion of a sign shall not exceed 24 square feet. Only one shall be allowed. They shall be turned off during the overnight hours from 11:00 pm until 6:00 am unless for a facility providing medical care with hours of operation outside of these hours. In this case, the applicant can apply for a special permit from the Zoning Board of Appeals.*

*ADD 6.6.3.14 Wall signs shall not exceed 15% of the area of the wall it is attached to or 32 Square Feet whichever is less.*

*ADD 6.6.3.15 Window signs shall not exceed 30 % of the total area of all windows and doors.*

*ADD 6.6.3.16 One Temporary subdivision sales sign not to exceed 32 square feet. This sale sign shall be removed upon the issuance of occupancy permits for 75% of the subdivision.*

#### 6.6.4 Exemptions

6.6.4.1 Flags or insignia of the United States or any political subdivision thereof or any other nation or country when not used for commercial promotion or display.

**ADD the Words to 6.6.4.2 *associated with an election*** so that the section now reads:

6.6.4.2 Temporary posters, placards, or signs associated with a political campaign or current political issue ***associated with an election***. Any such sign must be removed within 48 hours after its relevance has expired.

6.6.4.3 Signs located on residential structures or driveways, so long as they do not exceed two (2) square feet and are for the primary purpose of indicating the name or names of the resident.

6.6.4.4 For sale, lease, or rent signs on real property or the signs of real estate agents or brokers, so long as they do not exceed six (6) square feet in area.

6.6.4.5 Signs less than two (2) square feet designating entry and egress from parking areas, and other directional traffic control and safety-related signs.

**RENUMBER 6.6.4.5** Normal highway control signs, hazard signs, and other state-approved highway safety signs. TO 6.6.4.6

**ADD 6.6.4.7** *Permanent subdivision or residential development identification signs shall not exceed 12 square feet. They may only be externally illuminated by spotlights and shall be set back 10 feet from property lines.*

**ADD 6.6.4.8** *One sign not exceeding 32 square feet on a building or project under construction, repair, or renovation identifying the contractor, architect, and/or owner. This sign shall be removed upon issuance of an occupancy permit for all or part of the building.*

**ADD 6.6.4.9** *Fuel pump information signs, only as required by State law, are allowed and shall not affect the computation of allowable number of signs or aggregate sign size on a property.*

#### 6.6.5 Temporary Signs

6.6.5.1 Temporary exterior signs or mobile sign displays are permitted to advertise the opening of a business at a new location or to advertise a special event at its intended location.

6.6.5.2 Such signs shall not exceed thirty-two (32) square feet in area.

*ADD 6.6.5.3 and renumber the remainder of the section accordingly*

**6.6.5.3**        *Banners or portable signs may be allowed for special events but must be removed after the event has concluded.*

**6.6.5.4**        No two or more of such signs shall be closer than five hundred (500) feet apart.

**6.6.5.5**        The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed sixty (60) days in each twelve (12) month period per establishment.

**6.6.5.5**        Temporary signs shall be displayed in conformance with setback requirements for all signs.

**6.6.5.7**        At the end of the sixty (60) day period, the sign shall be removed by the initiative of the company, organization, or individual or their agents as indicated by the display of information.

**6.6.5.8**        All such temporary signs as herein described must meet the approval of the Building Commissioner regarding safety of construction, placement, mounting, and lighting. By written notice specifying the corrections needed, the Building Commissioner shall order the immediate action of the displayer to either correct the sign or have it removed.

If immediate action is not taken, the Building Commissioner may, at his own initiative or with the enlisted aid of any Town department, remove such sign.

**ADD TO 6.6.6 the Section title: Special Permits**

**RENUMBER THE EXISTING SECTION TO: 6.6.6.1**

**Remove the words: Off Premise signs, so the section now reads**

**6.6.6.1** Signs larger in area or higher than specified or a greater number of signs, may be granted by Special Permit of the Board of Appeals.

***ADD 6.6.6.2 A Special Permit may not be issued for signs prohibited by this by-law in Section 6.6.7***

**RENUMBER SECTION 6.6.2 General Sign Prohibitions TO SECTION 6.6.7 General Sign Prohibitions AND RENUMBER THE REMAINDER OF THIS SECTION ACCORDINALLY**

**6.6.7.1** Signs, any part of which moves, flashes, or incorporates traveling or animated lights and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited.

**6.6.7.2** No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard.

**6.6.7.3** Any sign which is considered by the Building Commissioner, police department or fire department to be obstructive, hazardous, or dangerous because of age, damage, poor

construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven (7) days following receipt of written notice from the Building Commissioner.

6.6.7.4 No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening.

*ADD 6.6.7.5 No sign shall be located in such a way that it prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign or approaching traffic.*

*ADD 6.6.7.6 Roof mounted Signs that are taller than 2 feet or extend over the peak of the roof.*

*ADD 6.6.7.7 No sign shall be attached to utility poles, trees, or traffic control signs or devices, except for public event banners or flags.*

*ADD 6.6.7.8 Portable Signs except for Temporary signs.*

*ADD 6.6.7.9 Banners, pennants, ribbons, streamers, spinners, balloons, string of lights not associated with a specific holiday or religious event, and flags other than those identifying a nation, state, city town, or institutional organization, unless otherwise exempted by this bylaw.*

*ADD 6.6.7.10 Electronic message boards or the electronic message board portion of a sign that exceeds 12 Square feet.*

*ADD 6.6.7.11 Changeable copy signs or the portion of a sign that is changeable copy that exceeds 12 square feet.*

*ADD 6.6.7.12 Electronic Outdoor Advertising Signs*

*ADD 6.6.7.13 Internally illuminated signs greater than 32 square feet.*

*ADD 6.6.7.14 Free Standing signs exceeding 30 feet in Height*

*ADD 6.6.7.15 Signs not located at the location of the business or off premise signs*

***ADD NEW SECTION: 6.6.8. Removal of signs***

*ADD 6.6.8.1 Any sign which is insecure, in danger of falling over, or is deemed unsafe by the Building Commissioner shall be removed.*

*ADD 6.6.8.2 Abandoned signs shall be removed by the sign permit holder and/or the owner of the building or premises at which the abandoned sign is located within ninety (90) days from the date the sign became abandoned*

***ADD NEW SECTION: 6.6.9 Nonconforming Signs***

***ADD 6.6.9.1*** A lawfully existing non-conforming sign may have its surface and support renewed or replaced with new material without applying for a new permit if the replacement of renewal is for the same business and has the same dimensions, same copy and same location of the existing sign.

***ADD 6.6.9.2*** All non-conforming signs shall be removed or shall be altered so as to conform with the following provisions:

1. *When the nature of the business changes and the sign is changed or modified in shape, size or legend; or*
2. *When the name of the business changes and the sign is changed or modified in shape, size, or legend*

***Add 6.6.9.3*** Any abandoned sign shall not be reestablished except in conformance with this bylaw.

***ADD NEW SECTION 6.6.10 Administration, Violations, Appeals***

***ADD 6.6.10.1*** It shall be the duty of the Building Commissioner to administer this By-Law.

***ADD 6.6.10.2*** Violations of the Sign By-Law shall be enforced in accordance with Section 8.0 of these By-Laws

***ADD 6.6.10.3*** Appeals of any decision taken by the Building Commissioner shall be made in accordance with Section 8.0 of these By-Laws.



ARCHITECTURAL STANDARDS:

The following architectural requirements shall apply to all new structures. Additions or alterations to existing structures may be exempted from specific requirements at the reasonable discretion of the Planning Board, based on such factors as the cost, scope and extent of the work, the relative proportion of the existing structure to be added or altered, and the goal of harmony with the existing structure or structures.

1. FACADES

- a. For long front facades, vary the setback, height, and roof form of the building within the range provided by traditional buildings in the region to continue the established rhythm of facades on the street.
- b. In most cases, long facades should be avoided, generally extending no more than 50 feet without a change in the wall plane. Setbacks and projections of several feet in depth are most effective at visually breaking up large facades. Smaller setbacks used in conjunction with larger setbacks can be effective. The bulk and mass of the building should be broken down to a scale that reflects the context of the surrounding neighborhood.

2. SIDING:

- a. The following siding treatments most commonly found in New England shall be used: Clapboard, vertical board, brick, stone, and wood shingles. Natural materials are preferred.
- b. The use of vinyl or aluminum is strongly discouraged in the Business District. Concrete block, stucco, adobe, or other non-traditional siding types are also discouraged. Sidings having a panelized or prefabricated appearance are unacceptable.

3. ROOFS:

Roofs shall be of various pitched varieties commonly found in New England.

- a. Gable or Hip Roofs are most preferred. Shed and Gambrel style roofs are also acceptable. False mansard or other flat roofs are the least desirable. All roofs should have appropriate overhangs.
- b. Flat roofs should not be completely eliminated from consideration, but should only be built where the size of the building does not permit a pitched roof. When flat roofs

are permissible, any roof top mechanicals should be hidden from the main viewpoints on ground level.

#### 4. ROOF MATERIALS:

Roofs shall be constructed of materials, which are commonly found in New England. Shingled roofs constructed of asphalt or wood shingles are preferred. Standing seam, copper, or other metal roofs are also acceptable. Multiple roof plain slopes are acceptable, as New England Architecture often includes a variety of roof styles and plains, however it should be limited. Roll roofing, built-up tar and gravel, plastic, or fiberglass roofing materials are not appropriate. On flat roofs that are not visible from public areas, other roof materials may be considered.

#### 5. ARCHITECTURAL FEATURES AND DETAILS:

Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches are among the details to be considered. All features and details should be in proportion with the building. Use of metal, fiberglass, or plastic awnings is not appropriate.

#### 6. WINDOWS AND DOORS:

All windows and doors shall be of a New England character. Large plate glass windows are discouraged unless they are broken up with mullions or muttons. Mirrored glass or walls are not acceptable. Also, aluminum windows/wall systems with or without colored metal panels known as curtain wall systems are not acceptable. Windows and doorways should be encased with trim. Decorative trim is preferred.

#### 7. LIGHTING:

Lighting for new developments whether mounted on the building or on poles shall be designed so as not to spill onto adjacent properties. Shielded lights are preferred or exposed bulb fixtures, which are historic in character. Lighting elements shall be covered by globe or shielded. Low-level lighting is preferred over large high-level light fixtures.

#### 8. EQUIPMENT:

All roof, wall or ground mounted mechanical equipment, trash collection or dumpster locations, delivery or loading areas, and outdoor storage areas shall be located outside primary visual corridors and screened from public view.

#2d

## Section 7.10 Open Space Residential Development

### 7.10.1 Purpose

1. To permit maximum flexibility and creativity in design for the development of single-family subdivisions that will be superior to conventional plans;
2. To promote the most harmonious use of the land's natural features, resources and topography, which will promote the general health and safety of the public;
3. To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities which will promote a more efficient distribution of services; and
4. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources.

**7.10.2. Special Permit Required.** Open space residential development may be authorized only by a special permit as granted by the Planning Board.

**7.10.3 Pre-Application Meeting.** A pre-application meeting is required to be held at any regular meeting of the Planning Board. Concept plans for the traditional subdivision and open space plan shall be submitted for discussion. The Board may invite representatives of other Boards or Commissions to attend. The intent of such meeting is to allow the Town the opportunity to discuss with the applicant and review each proposal prior to the special permit process. After the pre-application review, an applicant may then proceed to the preliminary plan review process.

### 7.10.4. Dimensional and Design Requirements.

1. The number of building lots may not exceed the number of building lots of the tract as permitted by Board of Health and Conservation Commission regulations, existing zoning and a conventional subdivision per the Lakeville Subdivision Regulations ("subdivision regulations").
2. Lots may be reduced in size to a minimum of 30,000 square feet of contiguous upland area if they are on private wells and septic, or the property is within Zone II or Zone III of the Surface Water Protection District. The location of septic and well location shall be shown on the plans to ensure proper distances can be maintained to protect public health.
3. Lots may be reduced in size to a minimum of 20,000 square feet of contiguous upland area if they are on either a public water supply or public sewer and not within Zone II or Zone III of the Surface Water Protection District. The location of septic and well

location shall be shown on the plans to ensure proper distances can be maintained to protect public health

4. Lots approved under this section do not have to comply with the requirements of Section 5.1 Intensity Regulations
5. All lots and structures shall comply with the following dimensional requirements.

Frontage: 50 feet  
 Front yard setback: 25 feet  
 Side yard setback: 15 feet  
 Rear yard setback: 25 feet

Maximum Height of buildings  
 Number of Stories 2.5  
 Height 35 Feet

Maximum Percentage  
 of Land Covered by Structures,  
 Parking and Paved Areas 40%

Towers are not permitted

6. The width of each lot shall not be reduced to less than the required frontage from the street to building site on each lot.
7. All accessory structures and uses shall comply with the requirements of Section 5 of these bylaws unless otherwise provided for herein.
8. Strong emphasis shall be placed upon preserving and integrating the existing topography, natural features (such as rock outcrops, specimen trees and clumps of trees) and man-made features such as stonewalls into the plan.
9. Existing/proposed screening, distances between the OSRD and existing abutters, and topography shall all be considered. The intent is to minimize impacts on existing abutters. A deed restriction may be required if such limitations are applied.
10. When determined necessary by the Board, screening and buffering shall be required. It may consist of landscaped berms, evergreen plantings, solid walls or fences complemented by suitable plantings, "no cut" provisions (for existing vegetation), or a combination of these items. The location of the screening/buffering and species type(s) of vegetation shall be noted on the definitive plan.

#### **7.10.5. Dedicated Open Space**

1. A minimum of 50% of the parcel shall become dedicated open space pursuant to MGL c. 40A, § 9. The Planning Board may reduce this figure to a minimum

of 40% if it determines there are unique circumstances (re: shape of parcel, topography, wetlands, etc.) that would individually or together preclude the construction of the OSRD or that the open space to be provided is of exceptional value to the Townspeople.

2. Uses for open space: The open space may be used for wildlife habitat and conservation and may also be the following additional purposes: historic preservation, outdoor education, passive recreation, aquifer protection, stormwater management, agriculture, horticulture, forestry, or a combination of these uses and shall be served by suitable access for such purposes. In subdivisions of 20 or more lots the Board may require a portion of the site be developed for active recreation such as but not limited to playgrounds, sports fields, courts, etc...
3. Detention or retention basins may be located in the open space however this land area may not be counted towards the minimum open space required.
4. Dedicated open space may be utilized as natural courses for disposal for storm drainage from impervious surfaces. Other than minor berming (maximum 3-1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruptions of the land (contour changes greater than three feet) for drainage are permitted.
5. Dedicated open space may be in one or more parcels of a size and shape appropriate for its intended use. The parcels shall be laid out to promote convenient access by the homeowners within the OSRD and the general public. Wherever practical, parcels shall be accessible via upland areas. The adequacy of these items shall be determined by the Planning Board.
6. Public access to proposed preserved open space, including paths, shall be provided. The plan shall show the location, construction details, and signage for pathways. Paths in OSRDs shall not be utilized for snowmobiles and other motorized travel, but may be used for cross-country skiing, snowshoeing, horseback riding, and other non-motorized modes of travel.

**7.10.6. Ownership of Dedicated Open Space.** The open space shall, at the Planning Board's election be conveyed to:

1. The Town of Lakeville Conservation Commission and accepted by it for park or open space, or
2. be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space. In this case were the open space is not conveyed to the Town, a permanent conservation, agricultural or historical preservation restriction approved by Town counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services shall

be recorded to ensure that such land shall be kept in an open or natural and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted the Planning Board prior to approval of the project and at the Registry of deeds/Land Court simultaneously with recording of the endorsed definitive subdivision plan. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows, or other natural areas shall be maintained with good conservation practices.

3. If necessary, such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

4. Where the boundaries of the open space are not readily observable in the field, the Planning Board shall require placement of surveyed bounds sufficient to identify the location of the open space.

#### **7.10.7. Preliminary Subdivision and OSRD Concept Plan Application Process.**

After the preapplication review, an applicant must file for preliminary subdivision approval and approval of the OSRD concept plan.

1. An application, a preliminary set of plans, illustrating a conventional subdivision plan and proposed OSRD shall be filed with the Lakeville Town Clerk and the Planning Board. The application shall be accompanied by 11 copies of the plans and any other supporting materials, which must be prepared and stamped by a professional civil engineer and landscape architect. This submittal shall comply with Section III B. of the Subdivision Regulations. An electronic copy shall also be filed.

2. The preliminary subdivision plan shall be used by the Planning Board to determine the maximum number of lots which could be created via a conventional plan. The applicant must demonstrate to the satisfaction of the Board that all the lots shown on the preliminary plan comply with the applicable sections of the Lakeville Zoning By-Laws and Subdivision Regulations. This number will be the maximum allowed in an OSRD Special Permit and definitive subdivision plan submittal.

3. The burden of proof shall be upon the applicant to prove that all the proposed lot(s) are suitable for building. The Planning Board reserves the right to challenge the status of any lot and not allow such to be included in any definitive plan filing.

4. Formal percolation and depth to groundwater tests shall be conducted a portion of the lots located on the OSRD development area. Depending on the results of these tests and after consultation with the Board of Health, the Board may require additional testing. The results of these tests shall be submitted with the application. Due to seasonal testing requirements, the Planning Board may accept an application without these certified tests.

5. A preliminary sketch plan of the proposed OSRD shall be submitted. It shall contain the proposed location of the road(s), lots, drainage, and dedicated open space. General topography (with ten-foot contours maximum), major site features and adjacent streets shall also be shown.
6. The Planning Board shall hold a public hearing and act on the preliminary plan within 45 days after the receipt of the application.
7. The conceptual OSRD shall also be reviewed and discussed during the hearing process. Comments and recommendations shall be incorporated in plans included in any subsequent filings.
8. If the preliminary conventional and conceptual OSRD plans are approved, the Planning Board shall, insofar as practical under the law, allow the submittal of a combined special permit and definitive subdivision plan. A combined submission will not be authorized in those cases where either the conventional preliminary plan or proposed OSRD concept plan is not approved by the Planning Board.

#### **7.10.8. Special Permit Application and Filings.**

A special permit application for an OSRD shall include a definitive subdivision plan with 11 copies. It shall be prepared in accordance with the Lakeville Subdivision Regulations. Administrative and consulting review fees required by the Board shall be paid by the applicant. In addition, the applicant shall provide the following information:

1. A detailed analysis of the site, including wetlands, soil conditions, areas within the one-hundred-year floodplain, trees over six inches in diameter in areas identified by the Planning Board, Water Resource Protection Overlay District delineation and natural, and/or man-made features and other items as the Planning Board may request;
2. A description of the proposed design characteristics of the site pursuant to these regulations;
3. Drainage calculations meeting the requirements of the subdivision regulation and zoning bylaws.
4. A copy of any restrictive covenant(s) for the preserved open space, association rules and regulations and/or other documentation relating to the creation of a homeowners' association or similar entity, if necessary.

**7.10.9. Special Permit Decision.**

1. The Planning Board shall conduct a public hearing in accordance with the provisions of these bylaws.
2. If the Planning Board disagrees with any recommendations of another Town of Lakeville Board, it shall state its reasons therefor in writing.
3. The Planning Board shall consider the approval criteria in this section and other factors to determine if it approves the plan as submitted.
4. The Planning Board may impose conditions as a part of any approval that furthers the purposes of this Section 7.10.1 and these bylaws.
5. The Planning Board shall require a performance guarantee to secure the proper completion of all infrastructures as well as the fulfillment of any conditions of approval.

**7.10.10. Approval Criteria.**

The Planning Board may grant a special permit under this Section only if it finds that:

1. The proposed plan is in harmony with the intent and requirements of this section and these bylaws.
2. Open space as required by this bylaw has been provided and generally conforms to the dedicated open space section of this bylaw.
3. Proposed uses of the open space comply with this bylaw.
4. Proposed open space will be dedicated in compliance with the Massachusetts General Laws and this bylaw and is suitably protected.
5. Approximate building sites have been identified and are not located closer than 100 feet to wetlands and waterbodies.
6. Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots.
7. All lots meet the applicable dimensional requirements of this Open Space Residential Development Bylaw and the Zoning By-Laws.
8. If required, all documents creating a homeowners' association has been submitted to the Board and approved by Town Counsel.



9. The development will not have a detrimental impact on the neighborhood or abutting properties; and

10. Other factors as determined appropriate by the Board.

**7.10.11. Revisions to Approved Special Permits.** Subsequent to granting of a special permit, the Planning Board may permit the relocation of lot lines or changes to landscaping within the project, provided that any change in the number of lots, street layout, square footage or composition of dedicated open space, or disposition thereof, will require further review and a public hearing.

#4a



**Town of Lakeville**  
Lakeville Town Office Building  
346 Bedford Street  
Lakeville, Massachusetts 02347

OFFICE OF  
ZONING BOARD OF APPEALS  
Secretary: Cathy Murray

**TO:** Building Department  
Planning Board ✓  
Conservation Commission  
Board of Health

**FROM:** Board of Appeals

**DATE:** February 22, 2022

**RE:** Attached Petition for Hearing  
Maksy/Johnson – 2 Morrison Way

Attached please find a copy of one (1) Petition for Hearing, which has been submitted to the Board of Appeals. The hearing for this petition will be held on March 17, 2022.

Please review and forward any concerns your Board may have regarding this petition to the Board of Appeals, if possible, no later than Monday, March 14, 2022.

Thank you.

Petition to be  
filed with Town Clerk

EXHIBIT "A"

TOWN OF LAKEVILLE  
MASSACHUSETTS

ZONING BOARD OF APPEALS  
PETITION FOR HEARING

Name of Petitioner: DEREK MAKSY

Mailing Address: 44 CLEAR POND ROAD

Name of Property Owner: JULIO JOHNSON

Location of Property: 2 MORRISON WAY

Property is located in a  residential  business  industrial (zone)

Registry of Deeds: Book No. 52353 Page No. 9

Map 040 Block 004 Lot 008

Petitioner is:  owner  tenant  licensee  prospective purchaser

Nature of Relief Sought:

Special Permit under Section (s) 6, 1.3, 7.4 of the Zoning Bylaws

Variance from Section (s) \_\_\_\_\_ of the Zoning Bylaws.

Appeal from Decision of the Building Inspector/Zoning Enforcement Officer

Date of Denial \_\_\_\_\_

Brief to the Board: (See instructions on reverse side - use additional paper if necessary.)

The Petitioner is requesting relief from the  
LAKEVILLE Bylaws TO BRING THE HOUSE  
INTO COMPLIANCE WITH THE Building Dept.

I HEREBY REQUEST A HEARING BEFORE THE ZONING BOARD OF APPEALS WITH  
REFERENCE TO THE ABOVE PETITION OR APPEAL. ALL OF THE INFORMATION ON  
THIS PETITION, TO THE BEST OF MY KNOWLEDGE, IS COMPLETE AND ACCURATE  
AND CONFORMS TO THE REQUIREMENTS ON THE BACK OF THIS PETITION FORM.

Petitioner: DEREK MAKSY Date: 2/15/2022

Signed: Derek Masy Telephone: 503 259 7937

Owner Signature: Julio Johnson Owner Telephone: \_\_\_\_\_  
(If not petitioner)

(REFERENCE THE REVERSE SIDE OF THIS APPLICATION FOR FURTHER  
INSTRUCTIONS IN FILING YOUR PETITION.)

WILL YOU HAVE A REPRESENTATIVE OTHER THAN YOURSELF?

Yes  No \_\_\_\_\_  
(Name and Title)

Derek Maksy

44 Clear Pond Road

Lakeville, MA 02347

508-259-7937

Date 2/16/2022

Lakeville Zoning Board of Appeals

Lakeville Town Hall

Bedford Street

Lakeville, MA 02347

Re: 2 Morrison Way, Lakeville.

Mr. Chairman,

I am in contract to purchase a home at 2 Morrison Way in the Town of Lakeville. It has come to my attention that the current owner may not have applied for the necessary permits and or Variance/ Special Permit to construct a second floor and also close in the front and rear deck to make more living space.

I contacted the Building Commissioner for the Town of Lakeville and asked his opinion as to what the best course of action would be and he suggested because the lot is under 15,000 Square Feet then the Zoning Board needs to make a determination.

Enclosed is a current approved Board of Health approved septic plan showing setbacks from Charon Associates in Rochester, MA. This satisfies the title V requirement for a 2 Bedroom home.

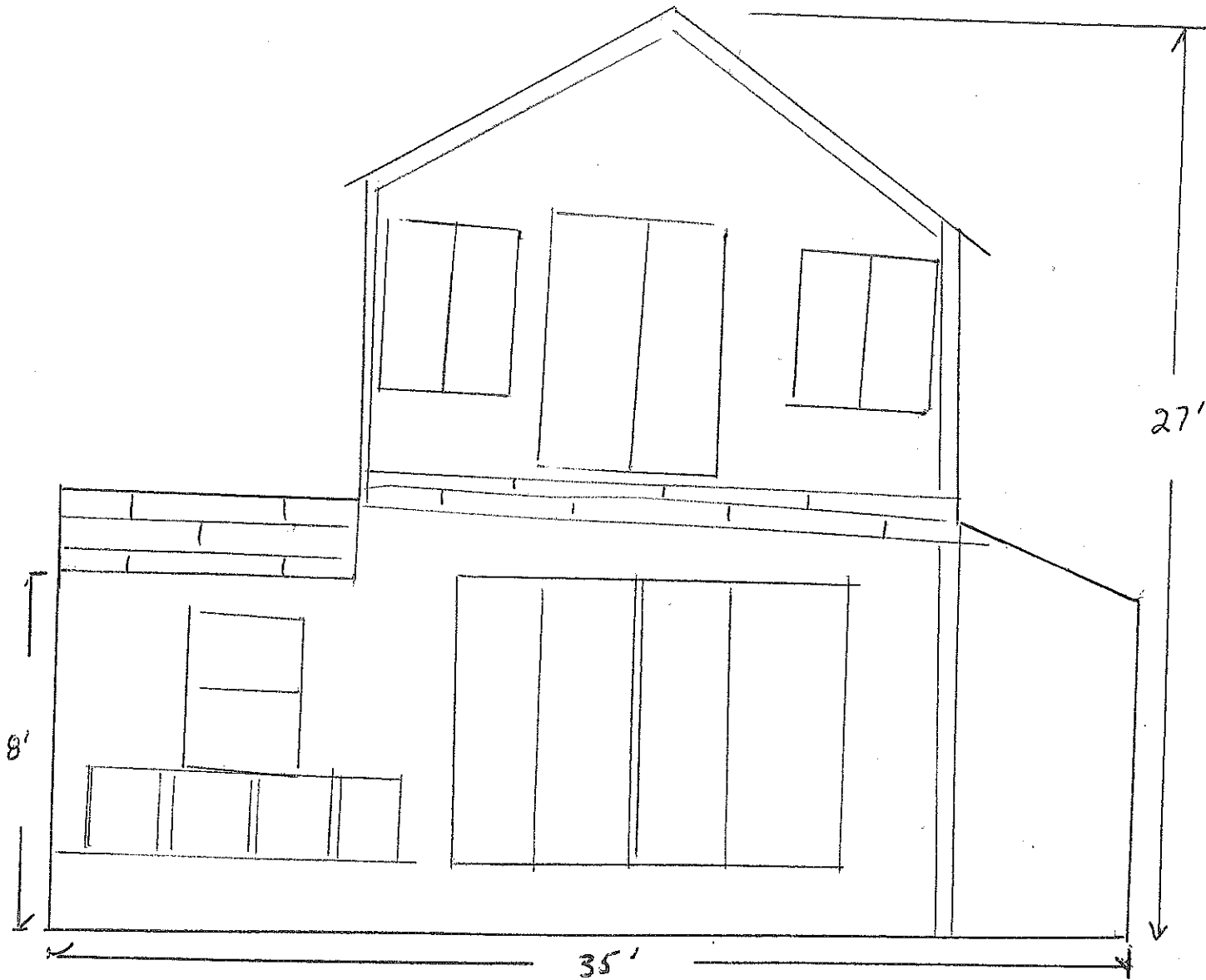
Also enclosed are current photos of the home, a completed application, a sign off from the Town Tax Collectors and other items.

If the Board required additional information please let me know.

Sincerely,



Derek Maksy



HOUSE CURRENT VIEW

HOUSE PLAN
2 MORRISON WAY
LAKEVILLE, MA
2/15/2025



Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

← 35'

BACK SIDE



Tyvek HomeWrap

Tyvek HomeWrap

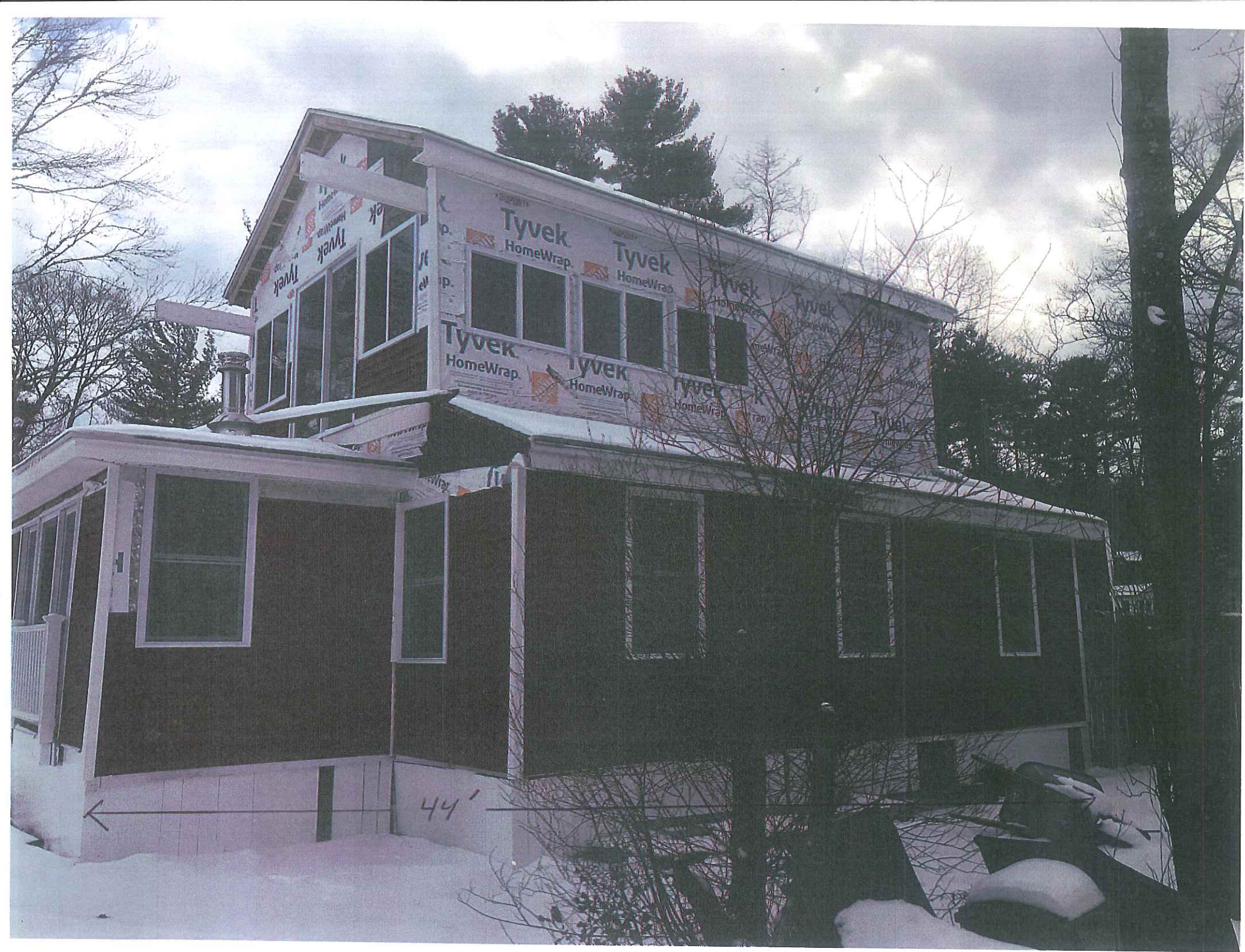
homewrap.

35'

WATER SIDE







Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

Tyvek HomeWrap

44'



*Lisa M Grant-Coffin*  
*2 Morrison Way*  
*Lakeville, MA 02347*



Bk: 47660 Pg: 24 Page: 1 of 2  
Recorded: 10/27/2016 02:57 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

RECEIVED

OCT 31 2016

Board of Health

**GRANT OF RESTRICTIVE COVENANT**

I/We, Lisa Grant-Coffin and Graham Scales, owner(s) of property located at 2 Morrison Way, LAKEVILLE, Massachusetts hereby grant to the TOWN OF LAKEVILLE, a municipal corporation organized under the laws of the Commonwealth of Mass, acting through its Board of Health, the following use restriction shall run with the land and be for the benefit of the TOWN OF LAKEVILLE, on the land particularly described as: Map: 040 Block: 004 Lot: 008

DEED BOOK: 43172 PAGE: 192

filed with the *Plymouth County* Registry of Deeds.

**SUBJECT TO THE FOLLOWING RESTRICTIONS:**

Dwelling will remain a (2) two-bedroom dwelling with no increase in flow to the septic system. It is to be made known that this dwelling houses a "Elien System, Model A42" and is subject to conditions and special standard conditions referenced by the Department of Environmental Protection (DEP) Remedial Use Approval revised February 3, 2016.

THIS DEED ATTACHMENT IS GIVEN TO SPECIFICALLY INCLUDE THE ABOVE RESTRICTIONS AS PER ORDER OF THE LAKEVILLE BOARD OF HEALTH AND CANNOT BE REMOVED WITHOUT WRITTEN PERMISSION THEREFROM.

WITNESS my hand and seal this 27<sup>th</sup> day of October, 2016.

*Lisa M Grant-Coffin*  
Signature of Owner

USA M. GRANT-COFFIN  
Printed Name

*Graham Scales by Lisa M Grant-Coffin*  
Signature of Owner

GRAHAM SCALES  
Printed Name

POA, as recorded in books 43172-194

COMMONWEALTH OF MASSACHUSETTS

County of Plymouth, ss.

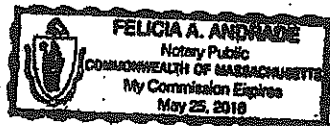
On this the 27<sup>th</sup> day of October, 2016, before me,

Felicia A Andrade, the undersigned Notary

Public personally appeared Lisa Grant Coffin, proved

to me through satisfactory evidence of identity, which was/were MA License to be the person(s) whose

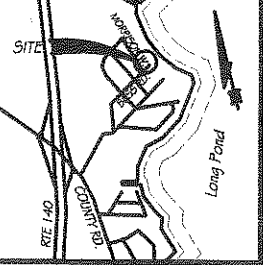
name(s) was/were signed on this document in my presence.



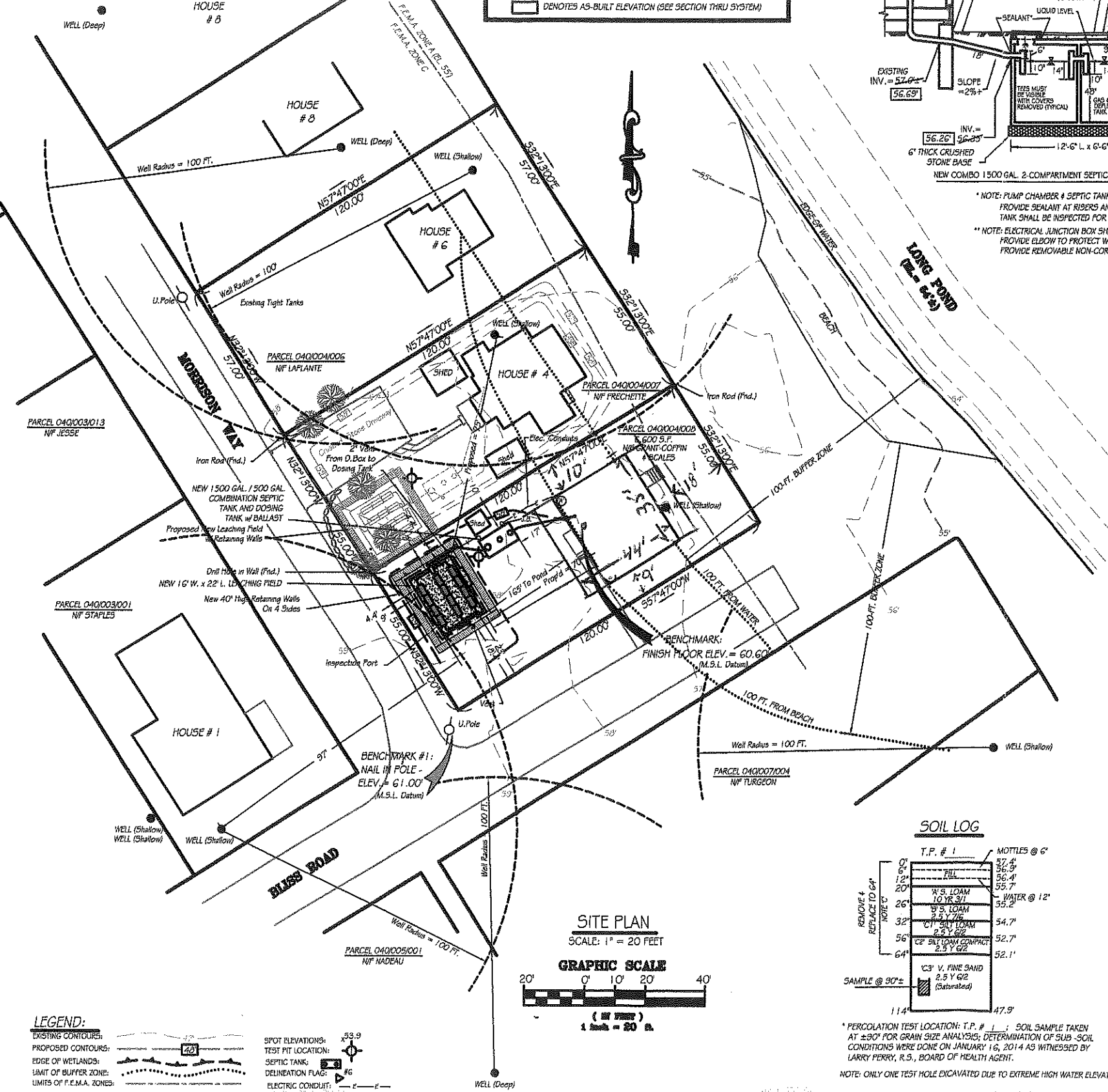
*Felicia A Andrade*  
Signature of Notary Public

*exp 5-25-18*

FILE COPY

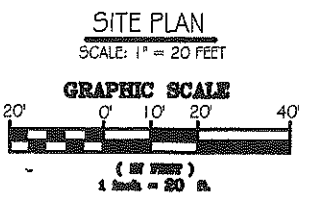


LOCUS PLAN  
SCALE: 1" = 2000'



**LEGEND:**  
 EXISTING CONTOURS  
 PROPOSED CONTOURS  
 EDGE OF WETLANDS  
 LIMIT OF BUFFER ZONE  
 LIMITS OF F.E.M.A. ZONES

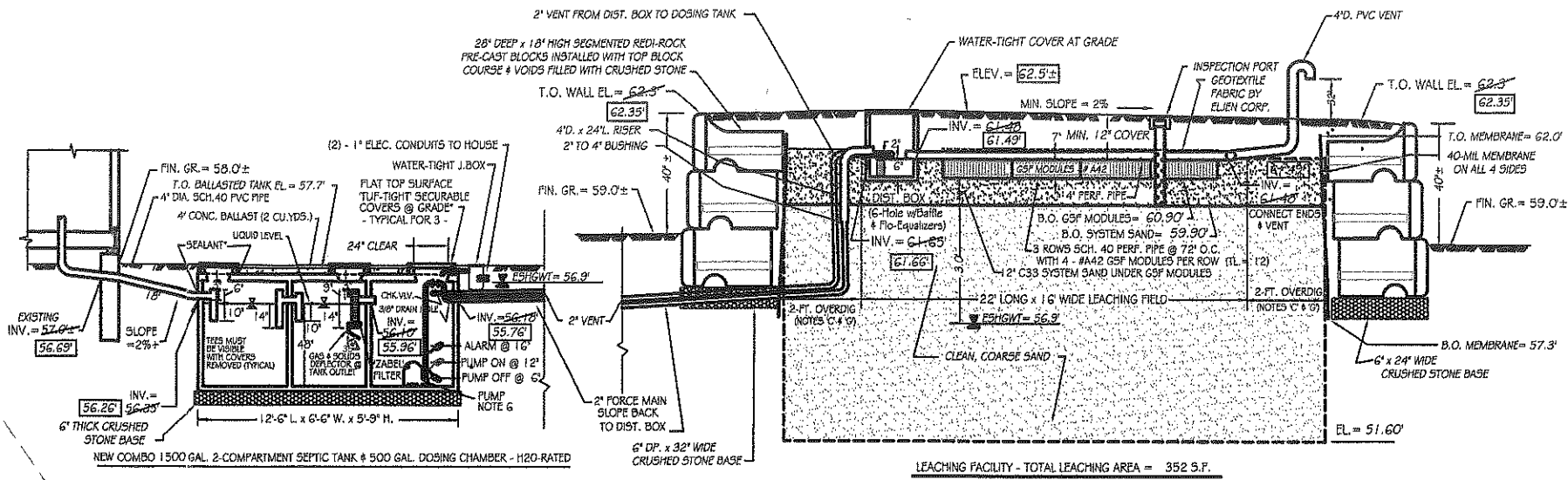
**SPOT ELEVATIONS:**  
 TEST PIT LOCATION:  
 SEPTIC TANK  
 DELINEATION FLAG  
 ELECTRIC CONDUIT



**AS-BUILT LOCATION OF SYSTEM COMPONENTS FROM EXISTING BUILDING CORNERS**

	A'	B'
SEPTIC TANK COVER 1	20'-0"	36'-10"
SEPTIC TANK COVER 2	29'-6"	40'-0"
SEPTIC TANK COVER 3	27'-0"	41'-7"
DOSING TANK COVER	29'-6"	43'-6"
DISTRIBUTION BOX	47'-6"	59'-10"
NORTHEAST CORNER SAS	41'-6"	54'-10"
NORTHWEST CORNER SAS	53'-6"	64'-10"
SOUTHEAST CORNER SAS	46'-6"	46'-2"
SOUTHWEST CORNER SAS	57'-10"	58'-6"
INSPECTION PORT	48'-0"	50'-2"

□ DENOTES AS-BUILT ELEVATION (SEE SECTION THRU SYSTEM)



\* NOTE: PUMP CHAMBER & SEPTIC TANK SHALL BE WATER-TIGHT MONOLITHIC TANK. PROVIDE SEALANT AT RISERS AND ALL OPENINGS. COVERS SHALL BE SECURABLE. TANK SHALL BE INSPECTED FOR LEAKS PRIOR TO PLACEMENT INTO SERVICE.  
 \*\* NOTE: ELECTRICAL JUNCTION BOX SHALL CONFORM TO NEMA 6F. PROVIDE ELBOW TO PROTECT WIRING AT ENTRY TO TANK RISER. PROVIDE REMOVABLE NON-CORROSIVE FLOAT TREE.

LEACHING FACILITY - TOTAL LEACHING AREA = 352 S.F.  
 NOTE: GSF MODULES SHALL BE ELIEN GEOTEXTILE SAND FILTER MODEL #A42, MEASURING 48" LONG x 24" WIDE x 7" DEEP.

**GRAIN SIZE ANALYSIS:**

SEE TIBBETTS ENGG. REPORT NO. 034031A:  
 SAND = 85.0%  
 SILT = 14.2%  
 CLAY = 0.8%  
 SOIL IS CLASS 1: LOAMY SAND  
 BOTTOM & SIDE L.T.A.R. = 0.66 GPDS.F.

**SYSTEM DESIGN DATA:**

SOIL IS CLASS 1: LOAMY SAND  
 PERCOLATION RATE = 8 MIN./INCH (NOTE D)  
 BOTTOM & SIDE L.T.A.R. = 0.66 GPDS.F.  
 2 B.R.'s @ G-#A42 GSF MODULES PER B.R. = 12 GSF MODULES (MIN.)  
 USE 3 ROWS WITH 4 GSF MODULES PER ROW = 12 GSF MODULES  
 BOTTOM AREA = 16' W. x 22' L. = 352 S.F.  
 SIDE AREA = N/A = 0 S.F.  
 TOTAL LEACHING AREA = 352 S.F.  
 DESIGN FLOW RATE: 3 B.R.'s @ 110 GPD = 330 GPD  
 SYSTEM CAPACITY = (352 S.F. x 0.66 GPDS.F.) = 232 GPD

**TANK BALLAST CALCULATION:**

SEPTIC TANK / PUMP CHAMBER 1500/500 COMBO  
 H2O-RATED TANK WEIGHT = 22,625 LBS.  
 C.I.P. CONCRETE BALLAST = 54 C.F. x 150 PCF = 8,100 LBS.  
 TOTAL BALLASTED TANK WGT = 30,725 LBS.  
 BUOYANCY FORCE = 29,150 LBS. < BALLASTED TANK WEIGHT (OK)  
 (TANK VOLUME x 62.4 PCF + 5.75' x 5.75' = (12.5' x 6.5' x 62.4 + 5.75' x 5.75' x 62.4) = 5,755.75')  
 - TANK WITH SPECIFIED BALLAST HAS NEGATIVE BUOYANCY -

**DOSING CALCULATION:**

PER ELIEN DESIGN MANUAL:  
 VOLUME PER DOSE = 12 GSF A42 MODULES x 3 GALS./MODULE = 36 GALS. PER DOSE  
 VOLUME/FT FOR 500 GAL. TANK = 125 GALS./FT.  
 36 GAL (125 GAL/FT) = 0.29 FT. = 4"

**EMERGENCY STORAGE CALCULATION:**

HEIGHT OF TANK = 68" AVAILABLE STORAGE: 48" - 18" = 32"  
 VOLUME PER FOOT OF TANK = 125 GAL./FT. = 10.4 GAL./IN.  
 AVAILABLE STORAGE = 32 IN. x 10.4 GAL./IN. = 333 GALS.  
 SPECIFIED TANK PROVIDES 24 HOURS OF EMERGENCY STORAGE

**NOTES:**

- NOTE A: THIS PARCEL IS SHOWN AS ASSESSORS MAP 040 BLOCK 004 LOT 008.
- NOTE B: THE DWELLING SHOWN HEREON DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON F.E.M.A. COMMUNITY PANEL NO. 2502B00497L, DATED JULY 17, 2012.
- NOTE C: REMOVE UNSUITABLE SOILS BENEATH THE LEACHING FIELD AND TO A 5-FOOT DISTANCE ON SIDES WHERE SHOWN, AND REPLACE WITH CLEAN, COARSE SAND UP TO LEVEL OF PEASTONE COVER. THE BOTTOM & SIDES OF THE OVERDIG EXCAVATION SHALL BE SCARIFIED AND EQUIPMENT SHALL NOT BE OPERATED ON THE SCARIFIED SURFACES PRIOR TO BACKFILLING. EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE.
- NOTE D: PERCOLATION RATE WAS DETERMINED BY TITLE 5 ALTERNATIVE TO PERCOLATION TESTING GUIDANCE DATED MAY 3, 2006.
- NOTE E: INSTALLER SHALL CONSTRUCT THE SYSTEM USING A PLAN BEARING THE APPROVAL OF THE LOCAL BOARD OF HEALTH.
- NOTE F: NOTIFY DIG-SAFE AND LOCAL UTILITIES PRIOR TO ANY EXCAVATION.
- NOTE G: THIS DESIGN REQUIRES THE FOLLOWING VARIANCES FROM MASS. TITLE 5:
  - (1) SEC. 15.211 TO ALLOW LEACHING FIELD LESS THAN 100 FT. FROM OWNER'S WELL = 70 FT.
  - (2) SEC. 15.211 & LOCAL REGULATIONS TO ALLOW LEACHING FIELD LESS THAN 100 FT. FROM ABUTTERS WELL AT HOUSE #4 = 75 FT.
  - (3) SEC. 15.211 & LOCAL REGULATIONS TO ALLOW LEACHING FIELD LESS THAN 100 FT. FROM ABUTTERS WELL AT HOUSE #1 = 97 FT.
  - (4) SEC. 15.255 TO ALLOW OVERDIG LESS THAN 5 FT. ON ALL SIDES = 2 FT.
  - (5) SEC. 15.227 TO ALLOW SEPTIC/DOSING TANK INLET LESS THAN 12" ABOVE GROUNDWATER TABLE. PROPOSED = 7" BELOW G.W.T.
  - (6) SEC. 15.227 TO ALLOW SEPTIC/DOSING TANK OUTLET LESS THAN 12" ABOVE GROUNDWATER TABLE. PROPOSED = 9" BELOW G.W.T.
  - (7) TITLE 5, SEC. 15.211 TO ALLOW NEW SEPTIC/DOSING TANK LESS THAN 400 FT. FROM POND = 140 FT.
  - (8) TITLE 5, SEC. 15.211 TO ALLOW NEW LEACHING FIELD LESS THAN 400 FT. FROM POND = 165 FT.
  - (9) TITLE 5, SEC. 15.211 TO ALLOW NEW LEACHING FIELD LESS THAN 10 FT. FROM PROPERTY LINE = 9 FT.
  - (10) LOCAL REGULATION 3.0 TO OMIT REQUIREMENT FOR LAND SURVEYORS' CERTIFICATION, CORNER MARKERS SHOWN ON NORTHWEST PROPERTY LINE WERE SET BY ROMANELLI ASSOCIATES INC., PROFESSIONAL LAND SURVEYORS.
  - (11) TITLE 5, SECTION 15.212 TO ALLOW DEPTH TO GROUNDWATER LESS THAN 5 FEET.
  - (12) TITLE 5, SECTION 15.102 TO ALLOW LESS THAN TWO DEEP OBSERVATION HOLES (ONE HOLE PROVIDED).
  - (13) TITLE 5, SECTION 15.104 TO ALLOW ALTERNATIVE DETERMINATION OF PERCOLATION TEST RATE BY SOIL GRAIN SIZE ANALYSIS IN ACCORDANCE WITH D.E.P. POLICY.

**SOIL LOG**

DEPTH (ft)	DESCRIPTION	ELEVATION (ft)
0'	FILL	57.4'
12'	FILL	56.4'
20'	FILL	55.7'
26'	N'S LOAM 10 YR 3/1	55.2'
32'	S'S LOAM 3.5 Y 7/6	54.7'
56'	C1' SILTY LOAM 2.5 Y 6/2	52.7'
64'	C2' SILTY LOAM COMPACT 2.5 Y 6/2	52.1'
114'	C3' V. FINE SAND 2.5 Y 6/2 (Subsided)	47.9'

\* PERCOLATION TEST LOCATION: T.P. # 1; SOIL SAMPLE TAKEN AT ±90° FOR GRAIN SIZE ANALYSIS; DETERMINATION OF SUB-SOIL CONDITIONS WERE DONE ON JANUARY 16, 2014 AS WITNESSED BY LARRY PERRY, R.S., BOARD OF HEALTH AGENT.  
 NOTE: ONLY ONE TEST HOLE EXCAVATED DUE TO EXTREME HIGH WATER ELEVATION.

**GENERAL NOTES:**

- THIS SYSTEM DOES NOT MAKE PROVISION FOR A GARBAGE GRINDER NOR THE BACKFLUSH EFFLUENT FROM A WATER TREATMENT SYSTEM, NOR THE DISPOSAL OF PRESCRIPTION MEDICATIONS.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH MASS. TITLE 5 AND LOCAL BOARD OF HEALTH REGULATIONS EXCEPT AS PERMITTED BY VARIANCES AS NOTED HEREON. SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH PRODUCT DESIGN AND INSTALLATION MANUAL: FOR 'ELIEN GSF GEOTEXTILE SAND FILTER' BY ELIEN CORPORATION, 125 MCKEE ST., EAST HARTFORD CT 06108, BY AN INSTALLER WHO HAS BEEN CERTIFIED BY THE MANUFACTURER.
- ALL COMPONENTS SHALL BE INSTALLED ON A LEVEL, STABLE BASE THAT WILL NOT SETTLE. PIPE SHALL BE LAID ON A FIRM BASE, FREE OF STONES. PRE-CAST CONCRETE TANK SHALL BE H20 AASHTO RATING, CONSTRUCTED IN CONFORMANCE WITH TITLE 5 SECTION 15.226. DISTRIBUTION BOX SHALL HAVE COVER NOT MORE THAN 6" BELOW GRADE.
- BUILDING SEWER SHALL BE CAST IRON OR SCH 40 P.V.C. PIPE; GRAVITY EFFLUENT PIPES SHALL BE SCH 40 P.V.C. PIPE. PUMPED EFFLUENT PIPE SHALL BE SCH 40 P.V.C. OR POLYETHYLENE PIPE.
- SYSTEM SAND SHALL MEET ASTM C-33 REQUIREMENTS WITH 40% - 90% OF TOTAL TO BE COARSE AND VERY COARSE SAND, WITH NO MORE THAN 2% OF SAND PASSING A #200 SIEVE. THE INSTALLER SHALL SUPPLY A TEST REPORT TO THE ENGINEER SHOWING CONFORMANCE WITH ASTM C-33 STANDARD. THE ENGINEER MAY REQUIRE THAT SAND IN PLACE BE TESTED FOR ASTM C-33 STANDARD AND SAND THAT FAILS CERTIFICATION SHALL BE REPLACED AT NO EXPENSE TO THE OWNER. A MINIMUM OF 6 INCHES OF SYSTEM SAND SHALL BE PLACED AROUND THE CIRCUMFERENCE OF THE GSF MODULES.
- DOSING TANK SHALL BE EQUIPPED WITH A SUBMERSIBLE SEWAGE PUMP PACKAGE RATED FOR 40 GPM AT 12-FT. HEAD, BARNES SEV412 OR EQUAL, EQUIPPED WITH ON-OFF FLOAT CONTROL, UNION CHECK VALVE IN RISER, AND HIGH LEVEL FLOAT WITH INDOOR ALARM ON DEDICATED ELECTRIC CIRCUIT. THE PUMP & FLOAT ASSEMBLY SHALL BE CAPABLE OF BEING INSTALLED AND REMOVED FROM THE DOSING TANK WITHOUT THE NEED FOR TANK PUMP-OUT AND/OR CONFINED SPACE ENTRY. INSTALL A 1/4" DIA. HOLE IN LOW POINT OF DISCHARGE PIPE AFTER CHECK VALVE TO ALLOW DRAIN BACK OF EFFLUENT TO THE DOSING TANK AFTER PUMP CYCLE. EFFLUENT PIPING SHALL BE FITTED BACK TO THE DOSING TANK TO PREVENT FREEZING.
- DO NOT INSTALL THE SYSTEM ON FROZEN GROUND OR LEAVE SYSTEM UNCOVERED FOR EXTENDED PERIOD OF TIME.
- THE ENGINEER CERTIFIED TO THE SOIL CONDITIONS AND PERCOLATION RATE ONLY AT THE LOCATIONS SHOWN. THE INSTALLER SHALL NOTIFY THE ENGINEER IF SOIL CONDITIONS ARE FOUND DIFFERENT THAN SHOWN ON 'SOIL LOG'.
- PRIOR TO FINAL COVER OF SYSTEM, THE INSTALLER SHALL NOTIFY THE ENGINEER TO MAKE AN 'AS-BUILT' INSPECTION. FINAL COVER SHALL NOT BE PLACED UNTIL SYSTEM IS APPROVED BY THE ENGINEER AND THE BOARD OF HEALTH.
- THE CONTRACTOR SHALL LOAM & SEED ALL DISTURBED AREAS.

**MAINTENANCE:** SEPTIC TANK SHALL BE PUMPED OUT EVERY 2 TO 3 YEARS OR EARLIER IF SCUM LAYER EXCEEDS 6 INCHES IN THICKNESS. FAILURE TO PUMP OUT SEPTIC TANK WILL LEAD TO PREMATURE SYSTEM FAILURE.

OVERDIG EXCAVATION INSPECTED ON OCTOBER 6, 2016.

SUBSURFACE SEWAGE DISPOSAL SYSTEM CERTIFICATION:

I CERTIFY THAT THE SYSTEM WAS INSPECTED IN PLACE AND THAT IT WAS BUILT IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED SUBSURFACE SEWAGE DISPOSAL PLAN.



**PLAN OF SITE & 'as-built' OF REPAIR TO SUBSURFACE SEWAGE DISPOSAL**  
 PREPARED FOR  
**LISA GRANT-COFFIN & GRAHAM SCALES**  
 2 MORRISON WAY  
 LAKEVILLE, MASS.

**CAI** Charon Associates, Inc.  
 Consulting Engineers  
 323 Neck Road - Rochester, MA 02770  
 Tel: 508-763-8362 Fax: 508-763-9582

SCALE: AS NOTED  
 DATE: APRIL 8, 2014  
 REV. 1: NOVEMBER 4, 2014  
 REV. 2: DEC. 5, 2014  
 REV. 3: DEC. 10, 2014  
 REV. 4: AUG. 4, 2015  
 REV. 5: OCT. 4, 2016 (DOSE & VENT)  
 REV. 6: OCT. 24, 2016 (AS-BUILT)

DRW. NO.  
**SD-1**

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
January 27, 2022  
Remote meeting**

On January 27, 2022, the Planning Board held a remote meeting. It was called to order by Chairman Knox at 7:00 p.m. LakeCam was recording, and it was streaming on Facebook Live.

**Members present:**

Mark Knox, Chair; Peter Conroy, Vice-Chair, Barbara Mancovsky, Michele MacEachern, Jack Lynch

**Others present:**

Marc Resnick, Town Planner; Jeffrey McQuiston, Terrance Russell, Epstein Global; Antonio Velasco, Ryan Cook, Nate Kahn, Jushi

**Agenda item #1**

Mr. Knox read this item into the record. It was an explanation of how the provisions of Chapter 20 of the Acts of 2021 allowed the Board to continue to meet remotely.

**310 Kenneth W. Welch Drive - Discuss temporary parking plan**

Mr. Nate Kahn, National Director of Construction for Jushi was present. He advised because they were expanding their business, they needed to add additional parking. They were here tonight to request permission to create temporary parking on the Site. The proposed temporary lot will be there for two or three months, and it is just intended to work with what is existing to create the needed additional spaces. The permanent design will be a well-designed parking lot with appropriate traffic patterns.

Mr. Kahn said the proposed temporary parking area will have four inches of gravel placed and compacted over filter fabric. The filter fabric will keep it from becoming muddy, and the compaction of the gravel will make it possible to paint lines on the temporary lot. They realize they will have to handle these spaces administratively so they will be by assignment and scheduled to avoid conflict. They will be requesting permission to add permanent parking in the next meeting in February. The proposed permanent lot is designed to preserve existing mature trees on the lot with additional landscaping to be added. They are requesting to move forward with their temporary proposal.

Mr. Knox said the plan did not look ideal, but that it would serve the purpose. Mr. Conroy asked where all the spaces had gone, and why did they need so many new spaces. He saw some huge

differences from when they first permitted this location. Mr. Kahn said he didn't know what it looked like before this, but as they are expanding the business they know they will need many additional spaces. Mr. Ryan Cook, Executive Vice-President of Operations, added they had recently made this acquisition in Lakeville. It looks like there had been a circular parking area and there had been some challenges from using that space across the front. They want to clean up that front landscape area, along Kenneth Welch Drive and add those additional spaces.

Mr. Knox said that they would just want to make sure that they are going in the right direction with the improvements that they are making. The temporary plan is fine, as long as it stays temporary. The next plan, to be discussed at an upcoming meeting, looks much improved, but he wants to make sure that it is enough. He also has a concern that they have approval from the property owner to make all these changes. The Board will need some sort of owner's authorization either documentation or having the owner come in to support the project. Mr. Cook replied they would be happy to do that. He noted that there had been a recent change in ownership of the building.

Ms. Mancovsky said it was her recollection that when this originally came in front of the Board, they had discussed the parking extensively, and they had approved a plan with parking on both sides of the building. Mr. Kahn said he had not seen that plan, but said that is a fairly tight area to be able to have parking on both sides and to still have access in the back. For them, this was a much better solution to move this along Kenneth Welch Drive and remove it out of that area. Mr. Knox asked Mr. Resnick to speak to the temporary parking plan.

Mr. Resnick replied that they were dealing with a business on a site that was probably originally developed with limited parking or that had a use that didn't need a lot of employees. It appears that this is the best solution for right now, but what if there is further expansion? What is the long-term solution? Mr. Kahn said their tenant space is fully built, and there is no additional space that they would be able to expand into. They are making some changes inside the space from a safety and efficiency standpoint, but no additional square footage. He did not think they would be expanding beyond that.

Mr. Knox stated the challenge with this site has been there are multiple tenants, and the building is owned by another entity. He noted Lakeville has a bylaw for lot coverage. They will need the percent of impervious lot coverage shown on the Plan, and it has to exclude wetlands from the allowable space. Mr. Conroy said that he would also want to make sure that the final parking plan is reviewed by the Fire Department for access to the rear of the building. An adequate amount of handicap accessible parking was also discussed.

Mr. Knox made a motion to approve the proposed temporary parking plan for 90 days, and they would continue the Site Plan Review hearing until the February 10, 2022, meeting at 7:00 p.m. It was seconded by Mr. Conroy.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. Mancovsky-Nay

Ms. MacEachern expressed her concern that the gravel would not be suitable for plowing and it would not be substantial enough to paint lines over it. Mr. Cook said that had been discussed and

the team had also discussed flagging the area. Their objective is that they have the parking, so it is in their best interest to ensure the amount of parking spaces that they have identified are utilized efficiently. The gravel with the fabric barrier will allow that to stay above the grade. When snow does arrive, they will not be able to plow in a traditional way, but more of compacting in that area on top of that gravel. That should work well over the winter months.

Mr. Resnick recommended that instead of using gravel, they could use a dense grade material which would compact and stay in place over the course of the winter. It is not dramatically more expensive, and it can be plowed once it sets up. Lines could also be painted on it and stay in place for a couple of months. Ms. Mancovsky stated that the reason she was not in support of the temporary parking measure is because they had a plan that was approved, and there is now a problem because that plan was not followed. This bigger problem is requiring more pavement and more coverage beyond what was originally approved which is why she is not supportive of this. Mr. Cook replied they don't like this problem for the community or their own employees. The goal and objectives are to do anything they can to remedy it. Mr. Knox wanted it to be clear that the plan in front of them proposed 103 parking spaces of which 3 are handicap accessible. The Site Plan to be submitted will have 107 spaces with 5 handicap accessible. This upcoming plan is a drastic improvement from what they are now dealing with.

**Roll Call Vote- continued:** Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye. The motion carries.

#### Adoption or amendments to the Zoning Bylaw – Sign Bylaw update

Mr. Resnick advised that he has added definitions for different types of signs for clarity. For example, electronic message boards of which there are several on Bedford Street. There is a freestanding sign but there is a portion that can change electronically with messages, advertising for the business, pricing, etc. There is also an outdoor electronic ad advertising that was going to be prohibited, but he may remove that as he limited the size of electronic message boards to 12 square feet. Anything over that is prohibited. He added anything that is specifically prohibited cannot receive a Special Permit from the Zoning Board. Another section added is Permit Required which was not called out anywhere, and the fees shall be determined by the Select Board. He also added to the General Sign Regulations requiring landscaping and maintenance.

Regarding Exemptions, Mr. Resnick added language related to signs for subdivisions, both temporary and permanent, signs for construction projects, and also fuel pump signs. He noted that a Special Permit from the Zoning Board would not be allowed for signs that were prohibited, and then went through the additions to that section. He advised he would be working through this section again before their next meeting. A section for both the removal of signs and nonconforming signs had also been added.

Mr. Conroy stated that he would not have a problem extending the shut off time until midnight as that might be a more business friendly time, but he would agree to 11:00 p.m. if members did not agree. He also asked if the brightness would still be included. Mr. Resnick replied they will wait on that until there is more information. Right now is the basic stuff to get a better bylaw. As they

move forward, they can submit some amendments to tighten it up. Mr. Knox asked about the removal of signs if they are deemed to be unsafe or abandoned by the Building Commissioner. Would there be any enforcement behind that? Mr. Resnick said he could add in it would be a violation of the zoning bylaw and enforceable under the rules of zoning violations.

Ms. MacEachern asked if this definition of electronic message board would cover any future electronic sign. Mr. Resnick said he could add to the definition to be clear that it is the led controlled sign. Ms. MacEachern said they had discussed trying to encompass anything that exists currently and any new technology that may come along in the future. Mr. Resnick added that he did not know if the Board wanted to define internally illuminated signs and place some sort of limitation on the portion of a freestanding sign being that way. There appears to be a lot of them now. Do they want to continue to allow them? Ms. MacEachern said that it would be good to limit them to something that is lit a different way. Ms. Mancovsky agreed. Mr. Knox added what would the alternative be. If they were going to regulate back lit, they would have to allow some sort of a down-lit or up-lit sign even if they can make the definition so that it can coexist with the lighting bylaw. Mr. Resnick said he would look into making some of these changes and discuss at their next meeting.

Mr. Knox made a motion, seconded by Mr. Conroy, to continue this sign bylaw agenda item discussion at their February 10, 2022, meeting at 7:00 p.m.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

#### **Adoption or amendments to the Zoning Bylaw – Design Standards update**

Mr. Resnick advised design standards are typically a fairly large project. They can draft their own, but it is a long-term project that requires a lot of discussion. He felt it would be more of a project for spring through the summer, so they can get it on the fall Town Meeting. Ms. Mancovsky noted that at SRPEDD last night, New Bedford ran through the design standard guidelines that they are implementing. She will forward a copy of it when she receives it. She also noted that help had been offered through a SRPEDD planner, Phillip, in regards to design standards. She felt if money was still available it would be a good time to make a request to use some of those resources to work with Mr. Resnick.

#### **Adoption or amendments to the Zoning Bylaw – Site Plan Review**

Mr. Knox advised they had also talked about amending the Site Plan Review bylaw for fall Town Meeting. Mr. Resnick said they have until March to submit Articles for Town Meeting. He could go through the Site Plan Review bylaw and try to update it which would at least bring it up to today's standards. He expected he could complete that draft by the end of next week. It would not include a large separate section for design standards but he could write in a few general basic requirements or goals and objectives. Mr. Knox said that he thought there was a short coming in the language presently as there isn't any clear approval at the end of it. He asked members to review it over the next week, and they could then further discuss it.

### **Adoption or amendments to the Zoning Bylaw – MBTA Communities – update**

Mr. Resnick advised that a little over a year ago, the legislature passed an act that said all MBTA communities need to do more to provide housing. There are specific requirements in order to create a zone that allows multi-family by right, and it needs to meet the following criteria:

- It needs to be an area of at least 50 acres.
- It needs to meet a density of 15 units per acre.
- In the case of Lakeville, it needs to allow for 750 units.

Mr. Resnick explained that this does not mean they have to actively seek developers, acquire land, or get it built. It means that they have to provide the opportunity to create the zoning to allow it to happen. It allows for mixed use or you can do it as an overlay district, as long as you meet that basic criteria. Right now, there is a lot of flexibility. Communities will have to create a timeline and an action plan for implementation by July of 2023, and then adoption by December 31, 2024. It is a long-term project, but something they will have to do to continue to be eligible for a variety of grants.

Ms. Mancovsky noted they had also addressed this at SRPEDD last night. The Rural Policy Advisory Commission is really going after this issue. She advised that there was no affordable housing component on this guideline, so they could see a higher end development in this type of area. Existing units also do not count toward this goal and package treatment plants would be allowed. Right now, there is a community that is considering saying no altogether. Mr. Knox asked if they knew what those grants were right now. Mr. Resnick replied that there is a preliminary list of grant programs that he could have for the Board for their next meeting. There was then discussion if the Town could establish the zoning and then remove it at a later date.

### **Adoption or amendments to the Zoning Bylaw – Filling Station-correction from 2018 Town Meeting**

Mr. Knox said this appears to be a housekeeping item. Mr. Resnick said that is correct. There were several items the Board held public hearings on and submitted Articles for, but they did not make it onto the Warrant which related mostly to filling stations. He should have that available for their next meeting.

### **Adoption or amendments to the Zoning Bylaw – Open Space Residential Development (OSRD)**

Mr., Resnick stated the Open Space Residential Development bylaw also known as the Cluster Development bylaw is something that was recommended in the Master Plan. Most communities that have lots of developable land have this bylaw. He then began to go through the draft by section which had been sent out to the Board. He began with the purpose, pre-application meeting, dimensional and design requirements, screening and buffering, dedicated open space, and the ownership of the dedicated open space. The procedural sections include the preliminary subdivision and OSRD concept plan application process with the next step to file for definitive approval. The next sections include the special permit application and filing, decision, and approval criteria.



Mr. Knox asked if they were to pursue this could there be a requirement that no greater than 10% of the open space be wetlands. He didn't think a builder should be able to come in and get all the upland, and then donate the wetlands. The open space should be usable land. Mr. Resnick replied they could add some language in. After additional discussion, he said that he will look into it further. Ms. Mancovsky said if they did decide to move forward with this, they must have a very clear plan. She had many conversations with Mr. Zinkiewicz concerning this and was unsure if someone was determined if they could get that land out of open space. Mr. Resnick then explained different ways they could add another layer of protection. He will also talk to the Conservation Agent to see how they manage other Town conservation land.

### **Housing Production Plan – update**

Mr. Resnick advised that money was appropriated at the fall Town Meeting to do an update to the Housing Production Plan. He believed the current one was good until March of 2023. He has reached out to SRPEDD and is waiting for someone to get back to him. He is thinking that they will encumber the money for this into next year's budget and work on it over the fall of next year. They can then submit it to the State in time to be re-approved, so there will not be a gap in their plan. He will follow up next week

### **Old Business**

There was no old business.

### **New Business – Honeybee Farm**

Mr. Resnick advised that at their next meeting, they would be getting a request for the Subdivision Honeybee Farm, Gillian Drive. Their request is to be allowed to not put in the street trees on the left-hand side as you drive in. There is presently a berm and where you would plan the trees is where they ran the electric utilities. They are offering to submit a landscaping plan for the cul-de-sac island in exchange for not putting in the trees.

### **New Business – Signing of Invoices**

Mr. Resnick asked if since he was now here, for expediency purposes in the future would they want him to sign invoices? Mr. Knox said that if other Board members were okay with that, he would make a motion to have Mr. Resnick sign invoices on behalf of the Planning Board. The motion was seconded by Mr. Conroy.

**Roll Call Vote:** Mr. Conroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Next meeting

Mr. Knox advised the next meeting is scheduled for February 10, 2022, at 7:00 p.m.

Adjourn

Mr. Knox made a motion, seconded by Mr. Lynch, to adjourn the meeting.

**Roll Call Vote:** Mr. Comroy-Aye, Ms. Mancovsky-Aye, Ms. MacEachern-Aye, Mr. Lynch-Aye, Mr. Knox-Aye

Meeting adjourned at 8:46.